IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 128 OF 2005

M/S GANGADHAR N.AGRAWAL,MARGAO GOA. ....Applicants

Versus

MMTC LTD.,VASCO DA GAMA,GOA. ....Respondents

Shri Y.V.nadkarni, Advocate for the Applicant.

Mr.V.D. Pangam, Advocate for the Respondent.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 6th September, 2005

P.C.:

Heard Shri Y.V. Nadkarni, learned counsel for the Applicant and Shri V. Pangam, learned counsel for the respondent.

We hardly find any impediment in refusing the applicant leave to amend the memo of appeal by inserting the ground as proposed in the draft amendment.

In the appeal filed by the appellant against the Judgment and Decree of the trial Court, the Order passed on an appliction under S.152 C.P.C. can always be challenged. Civil Application is accordingly granted. The appellant-applicant is permitted to amend the memorandum of appeal as per the draft amendment within two weeks from today. Amended copy of the memorandum of appeal be served on the learned counsel for the respondent immediately thereafter.

Civil Application stands disposed of.

R. M. LODHA, J.

N. A. BRITTO, J.